

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR.**

**S.B. CIVIL SECOND APPEAL NO.783/2007
Ramjani & Ors. Vs. Samsuddin & Ors.**

29.10.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri Pankaj Gupta, for the appellant.

Heard learned counsel for the appellants. This is a defendants-appellants' second appeal in suit for eviction which has been decreed by both the courts on the ground of personal bonafide necessity. This is a concurrent finding of fact that cannot be interfered with in second appeal under Section 100 CPC. As such this appeal as well as stay application are liable to be dismissed summarily.

Learned counsel for the appellant prays that some reasonable time may be allowed to vacate the premises. In the facts and circumstances it is hereby ordered that the execution of the decree impugned shall remain stayed upto 31.12.2007, in case the appellants submit an undertaking before the learned Executing Court trial court within four weeks from today that they would pay all arrears of rentas decreed and rent upto 31.12.2007 to the decree holder or

deposit the same before the learned Executing Court and handover vacant and peaceful possession of the premises in dispute to the decree holder on or before 31.12.2007 and shall not sub-let, assign or part with the possession of the suit premises or create any 3rd party interest in the same.

On the aforesaid two conditions being fulfilled the execution of the decree against the appellant shall remain stayed upto 31.12.2007. The appeal as well as the stay application are dismissed subject to the above.

(DALIP SINGH), J.

Ramchandrkhatri, PS